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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,661	07/09/2003	Ralf Assmann	2639	9320
7590	03/21/2005		EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/615,661	ASSMANN, RALF
	<b>Examiner</b>	<b>Art Unit</b>
	Huyen Le	3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 January 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of group I, claims 1-5, drawn to a pressure control valve in the reply filed on 01/04/2005 is acknowledged. The traversal is on the ground(s) that the pressure control valve of claim 1 cannot be made in another method than that of claim 6 because when the preform is extrusion coated with a flange, then the preform subsequently and inevitably is injected into the flange. This is not found persuasive because the control valve of claim 1 can be formed by multiple-injection moldings and subsequently put together. The preform with a valve chamber and fluid channels is molded first. The multi-part flange can be made after that and the preform is then put (injected) into inside multiple-part flange. The multi parts of the flange are welded together with the preform.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-8 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group II.

***Drawings***

3. The drawings are objected to because numeral 12 in Figure 4 should be changed to -22-- (numeral 12 on page 12 in the specification should be changed as well). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Najmolhoda (5,921,526).

The Najmolhoda et al reference discloses a pressure control valve comprising a valve unit 10 extruded from plastic, wherein the valve unit 10 is arranged coaxially to an

actuator unit 14 and serves to control a fluid flow between a supply port 72 and a consumer port 80, and wherein fluid channels 18f, 74a and a valve chamber 18e are formed in the valve unit 10 wherein a valve closing member 38 is disposed in the valve chamber 18e, and wherein the fluid channels 18f, 74a and the valve chamber 18e are formed on an injection-molded preform 18 that is injected (put) into a flange 19a.

Regarding claim 3, the preform 18 has at least one plane of symmetry.

Regarding claim 4, the valve closing member 38 is a sphere.

Regarding claim 5, the valve closing member 38 can be actuated by means of a slide valve 22, wherein the slide valve 22 penetrates the preform 18 in axial direction.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleischer et al (6,719,006).

The Fleischer et al reference discloses a pressure control valve comprising a valve unit 12 extruded from plastic, wherein the valve unit 12 is arranged coaxially to an actuator unit 16 and serves to control a fluid flow between a supply port 50 and a consumer port 48, and wherein fluid channels 34, 44 and a valve chamber P are formed in the valve unit 12 wherein a valve closing member 32 is disposed in the valve chamber P, and wherein the fluid channels 34, 44 and the valve chamber P are formed on an injection-molded preform 18 (col. 1, lines 52-55, col. 2, lines 47-55) that is injected (put) into a flange 56.

Regarding claim 2, the preform 18 has a seating plate 38, wherein the seating plate is oriented at a right angle to a longitudinal axis of the valve unit 12.

Regarding claim 3, the preform 18 has at least one plane of symmetry.

Regarding claim 4, the valve closing member 32 is a sphere.

Regarding claim 5, the valve closing member 32 can be actuated by means of a slide valve 28, wherein the slide valve 28 penetrates the perform 18 in axial direction.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Douglass et al and Connolly et al references show pressure control valves.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Huyen Le*  
Huyen Le  
Examiner  
Art Unit 3751

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March 17, 2005